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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SEPCHECK, GREGORY B				
ART UNIT		PAPER NUMBER		
2419				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/717,457

Applicant(s)

MAO, JEAN-PIERRE

Examiner

GREGORY B. SEFCHECK

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- Applicant's Request for Continued Examination filed 7/29/2008 is acknowledged.
- Claims 1, 9, 16, and 19 have been amended.
- Claims 15 and 18 have been cancelled. The previous objections to claims 15 and 18 are withdrawn as moot.
- Claims 1-14, 16, 17, and 19-25 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 20, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (US006430184B1), hereafter Robins, in view of Hellwig et al. (US007020149B1), hereafter Hellwig.

- Regarding Claims 1-6, 9, 20, and 23-25,

Robins discloses a system for communicating data packet flows, including Asynchronous Transfer Mode (ATM; Abstract; Col. 1, line 27; claim 1,9 - system for processing and transmitting packets of asynchronous data).

Referring to Figs. 1-3, Robins discloses Queue Manager (QM) 30 for managing the packeting and storing of data packets in a plurality of buffers 35/36, where data

packets are made up of a plurality of data cells (QM managing the packeting of multiple packets of multiple flows constitutes a plurality of packeting modules; Col. 5, lines 42-51; Col. 6, lines 5 and 25-29; claim 1 - a plurality of packeting modules configured to packet asynchronous data; claim 3 - a battery connected to said plurality of packeting modules, said at least one battery being configured to store said asynchronous data; claim 9 - means for packeting asynchronous data in a packeting module).

Robins further discloses Forwarding Engine (FE) 40 provides instructions directly to the QM for packeting of flows based upon received packet headers. Processed data is output to Quad PHY 2 (Fig. 1, 73) in an order based upon the instructions from FE (FE together with Quad PHY 2 is considered to be the claimed "message composition module; Col. 7, lines 8-13; claim 1 - a message composition module directly connected to said plurality of packeting modules; claim 4 - message composition module is configured to receive a plurality of packets from said plurality of packeting modules; claim 5 - message composition module is configured to receive said plurality of packets one after another in a predetermined order; claim 20 - message composition module recovers packets of async data created by the plurality of packeting modules one after the other in predefined order).

Robins discloses cells associated with the same circuit ID are reorganized by link-lists into packets, where Robins also discloses a "cut-through" mode of operation in which the FE instructs packeting of cells to be stopped and the data that has been processed is transmitted before a complete packet of cells is processed, such that portions of a packet may be transmitted while other portions are still being received

(Col. 17, lines 25-45; Col 16, lines 17-64; claim 1,2 - each packeting module is configured to stop packeting asynchronous data even if packeting is not completed in response to said request and to send to said message composition module a packet of asynchronous data formed prior to receiving said request; claim 9 - means for stopping/interrupting said means for packeting in response to said request; claim 9 - means for transmitting a plurality of packets, even if packet is not completed, each packet of said plurality being formed by said means for packeting prior to an interruption by said means for interrupting; claim 6,9 - composing a message comprising said plurality of packets; claim 24 - means for interrupting interrupts said packeting as soon as the packeting module receives the request from the message composition module; claim 24 - means for transmitting transmits an incomplete data packet composed at time of said interrupting to the message composition module after packeting is interrupted).

Robins does not explicitly disclose FE 40 (message composition module) requests a packet from QM 30 (packeting module) when it needs a packet.

However, Hellwig discloses a method for operating a switching system for data packets (Title) in which, as soon as an access controller MAC 12 signals its availability to the queue manager 42 by means of a message 3 (request), the queue manager requests a packet from the memory management unit in order to compose messages of packets (Fig. 1; Col. 5, lines 4-52; claim 1,2 - message composition module is configured to compose a message and send a request for a packet to each packeting module of said plurality of packeting modules when it needs a packet; claim 9 - means

for receiving a direct request from a message composition module when it needs a packet; claim 23 – means for transmitting transmits said packet as soon as the message composition module requests said packet; claim 24 – means for starting a next packeting operation composing a next data packet as soon as the incomplete packet is transmitted; claim 25 – wherein the message composition module needs said packet after the message composition module has transmitted a previous data packet and is ready to start packeting data again).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robins by enabling FE 40 to directly request a packet to be processed from QM 30 when it needs a packet, as shown by Hellwig, ensuring that the processing of the FE is always being utilized while composing different messages of packets to be output.

- Regarding Claims 7, 8, 10, and 11,

Robins discloses a system for communicating data packet flows that meets all limitations of the parent claims.

Robins discloses that packets that have been processed are output to Quad PHY 2 (Fig. 1, 73) in the appropriate LAN/WAN protocol format for the transmission line (Col. 1, lines 23-26; Col. 5, lines 60-65; claim 7,10 - formatting module connected to said message composition module and configured to format said message; claim 8,11 – output module configured to transmit said message on a transmission line).

- Regarding Claim 22,

Robins discloses a system for communicating data packet flows that meets all limitations of the parent claims.

Robins discloses QM 30 is implemented to rapidly execute the placing of data on appropriate queues and apply queue policies as directed by FE 40 (Col. 6, lines 25-30; claim 22 – packeting module is configured to sort and enhance data).

3. Claims 12 and 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins and Hellwig as applied to claims 1-11 above, and further in view of Kato et al. (US005544336A), hereafter Kato.

- Regarding Claims 12, 14, and 16,

Robins discloses a system for communicating data packet flows, including Asynchronous Transfer Mode (ATM; Abstract; Col. 1, line 27; claim 16 - system for processing and transmitting packets of asynchronous data).

Referring to Figs. 1-3, Robins discloses Queue Manager (QM) 30 for managing the packeting and storing of data packets in a plurality of buffers 35/36, where data packets are made up of a plurality of data cells (QM managing the packeting of multiple packets of multiple flows constitutes a plurality of packeting modules; Col. 5, lines 42-51; Col. 6, lines 5 and 25-29; claim 16 - means for packeting asynchronous data during a packeting time).

Robins further discloses FE 40 (message composition module) that provides instructions (request/message) directly to the QM for packeting and output of flows to Quad PHY 2 based upon received headers (FE together with Quad PHY 2 is considered to be the claimed "message composition module; Col. 7, lines 8-13). Robins discloses cells associated with the same circuit ID are reorganized by link-lists into packets, where Robins also discloses a "cut-through" mode of operation in which the FE instructs packeting of cells to be stopped and the data that has been processed is transmitted before a complete packet of cells is processed, such that portions of a packet may be transmitted while other portions are still being received (Col. 17, lines 25-45; Col 16, lines 17-64; claim 16 - means for stopping/interrupting said means for packeting in response to said message; claim 16 - composing a message comprising said plurality of packets; claim 16 – means for transmitting said message during a message transmitting time, even if packet is not completed).

Robins does not explicitly disclose FE 40 (message composition module) requests a packet from QM 30 (packeting module) when it needs a packet.

However, Hellwig discloses a method for operating a switching system for data packets (Title) in which, as soon as an access controller MAC 12 signals its availability to the queue manager 42 by means of a message 3 (request), the queue manager requests a packet from the memory management unit in order to compose messages of packets (Fig. 1; Col. 5, lines 4-52; claim 16 – means for directly requesting a packet when a message composition module needs a packet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robins by enabling FE 40 to directly request a packet to be processed when it needs a packet, as shown by Hellwig, ensuring that the processing of the FE is always being utilized while composing different messages of packets to be output.

Robins discloses that cut-through mode causes packeting to be ended and data is passed to Quad PHY 2 (Fig. 1, 73), such that portions of a packet may be transmitted while other portions are still being received (Col. 17, lines 42-45). However, Robins does not explicitly disclose the time for packeting (TP) approaches the total time (TT) for transmitting of data by minimizing the time for transmitting.

Kato discloses that a parallel processing system can reduce overhead caused by the data transmission in a system. When multiple processing units operate synchronously, data can be transmitted while other data is received and processed (Abstract; claim 12,16 – packeting of said asynchronous data is performed during a packeting time greater than half of a total time for packeting said asynchronous data and for transmitting said message; claim 14 - packeting time is equal to a cycle time for a transmission line over which said formatted message is transmitted).

It would have been obvious to one of ordinary skill in the art at the time of the invention to maximize the transmission cycle in Robins such that the time for packeting approaches the total time for transmitting of data. This is accomplished by minimizing the time for transmitting, as shown by Kato, since data can be transmitted at the same

time as other data is being received and processed, so that the transmission time is counted as zero.

- Regarding Claims 17,

Robins discloses a system for communicating data packet flows that meets all limitations of the parent claims.

Robins discloses that packets that have been processed are output to Quad PHY 2 (Fig. 1, 73) in the appropriate LAN/WAN protocol format for the transmission line (Col. 1, lines 23-26; Col. 5, lines 60-65; claim 17 - formatting module connected to said message composition module and configured to format said message; claim 17 - output module configured to transmit said message on a transmission line).

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robins and Hellwig as applied to claim 1 above, and further in view of Halliday et al. (US20020083345A1), hereafter Halliday.

- Regarding Claim 21,

Robins discloses a system for communicating data packet flows that meets all limitations of the parent claims.

Robins does not explicitly disclose a message including data equal to or less than 11 and including one wrapping.

Halliday discloses communication of a message including 3 packets in a message having one header (wrapping; Fig. 5 and 10; claim 21 – message includes a number of data in said packet of async data equal to or less than 11, said message includes one wrapping).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robins by including multiple data packets in a message using a single header, as shown by Halliday, thereby conserving the bandwidth required to send each data packet with its own header.

5. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins, Hellwig and Kato as applied to claims 12 and 18 above, and further in view of Fiorini (US005740173A).

- Regarding Claims 13 and 19,

Robins discloses a system for communicating data packet flows that meets all limitations of the parent claims.

As shown above in the rejection of claims 12 and 18, it would have been obvious to one of ordinary skill in the art at the time of the invention to maximize the transmission cycle in Robins such that the time for packeting approaches the total time for transmitting of data. This is accomplished by minimizing the time for transmitting, as shown by Kato, since data can be transmitted at the same time as other data is being received and processed, so that the transmission time is counted as zero (claim 13,19 -

time for said transmitting said message is negligible compared to said packeting time within total time).

Robins does not explicitly disclose the total time being less than 100 ms (Col. 1, lines 25-27). However, Robins discloses support for ATM data, which has a packeting and transmit time of less than 100 ms as shown by Fiorini (Col. 17, lines 32-35; claim 13,19 - total time of packeting and transmitting async data less than 100 ms).

It would have been obvious to one of ordinary skill in the art at the time of the invention to enable packeting and transmitting time to be less than 100 ms in Robins, as shown by Fiorini, in order to support the ATM data communication disclosed by Robins.

Response to Arguments

6. Applicant's arguments filed 7/29/2008 have been fully considered but they are not persuasive.

- In the Remarks on pg. 8 of the Amendment, Applicant contends the newly amended limitation of the message composition module "directly" requesting a packet from the packeting modules. Applicant alleges the disclosure of Hellwig does not properly reject this limitation because the request passes through an intermediary "protocol unit".
- The Examiner respectfully disagrees. Applicant's argument focuses on the disclosure of Hellwig without considering the combination of Hellwig and

Robins. Hellwig is relied upon to illustrate a message composition module "requesting" a packet from a packeting module when the message module needs a packet. Hellwig clearly shows such a request. Combining this teaching of Hellwig to the disclosure of Robins would result in FE 40 requesting a packet from QM 30, which are directly connected to each other. Therefore, the combination of Robins and Hellwig properly meets the newly presented claim limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY B. SEFCHECK whose telephone number is (571)272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory B Sefcheck/
Examiner, Art Unit 2419
10-7-2008